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12 UNITED STATES DISTRICT COURT

13 DISTRICT OF NEVADA  
14

15 SECURITIES AND EXCHANGE COMMISSION,

16 Plaintiff,

17 v.

18 MICHAEL V. SHUSTEK and VESTIN  
MORTGAGE, LLC,

19 Defendants.  
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Case No.: 2:21-cv-01416-JCM-BNW

**JOINT STIPULATION TO STAY  
DISCOVERY AND ORDER MODIFYING  
CASE SCHEDULE AND [PROPOSED]  
ORDER**

1 Plaintiff Securities and Exchange Commission (“Plaintiff” or “SEC”) and Michael V. Shustek  
2 (“Mr. Shustek”) and Vestin Mortgage LLC (“Vestin Mortgage”, collectively “Defendants”) hereby  
3 stipulate and agree as follows:

4 WHEREAS, on December 16, 2021, the Court entered an Order (ECF No. 12) setting  
5 deadlines for, *inter alia*, the disclosure of experts (August 8, 2022), disclosure of rebuttal experts  
6 (September 7, 2022), deadline to mediate (September 14, 2022), the close of fact discovery (October  
7 7, 2022), the last day to file dispositive motions (November 7, 2022), and the pretrial order (January  
8 27, 2023);

9 WHEREAS, on August 1, 2022, at the request of the SEC, the Court entered an Order (ECF  
10 No. 34) extending the deadlines for, *inter alia*, the disclosure of experts (February 6, 2023),  
11 disclosure of rebuttal experts (March 6, 2023), deadline to mediate (March 13, 2023), the close of  
12 fact discovery (April 5, 2023), the last day to file dispositive motions May 8, 2023), and the pretrial  
13 order (July 26, 2023);

14 WHEREAS, the Court has set the case for a settlement conference on March 7, 2023 (ECF  
15 Nos. 42 and 43);

1 WHEREAS, the parties believe it is in their best interests, and in the interest of efficiency and  
2 judicial economy, to permit sufficient time for the settlement discussions without simultaneously  
3 engaging in discovery, document productions or logging, and trial preparation; and potentially  
4 unnecessarily utilizing judicial resources;

5 WHEREAS, because the parties want to focus their efforts on settlement, they therefore  
6 request that the Court extend current deadlines for discovery to March 28, 2023, three weeks past the  
7 date of the settlement conference, and to re-set the other deadlines to take into account the proposed  
8 discovery stay;

9 WHEREAS, the parties propose that there be no changes to the current deadlines applicable to  
10 third parties governing the production of documents and the currently scheduled deadline for  
11 mediation of March 13, 2023;

12 WHEREAS, there is no trial date currently set in this case.

13 WHEREAS, this is the first joint request by the parties to adjust the discovery schedule and  
14 only the second overall request;

15 WHEREAS, the parties agree that good cause exists to stay discovery and continue the  
16 pretrial dates as follows:

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Event	Current Date	Proposed New Date
Expert Disclosure Deadline	February 6, 2023	April 3, 2023
Expert Rebuttal Reports	March 6, 2023	May 1, 2023
Discovery Cut-Off	April 5, 2023	May 31, 2023
Dispositive Motion Cut-Off	May 8, 2023	July 3, 2023
Filing of Pre-Trial Order	July 26, 2023	September 25, 2023

NOW THEREFORE, the parties hereby stipulate and agree as follows:

1. Subject to the Court's approval, the parties agree to stay discovery and continue the currently scheduled pretrial dates as follows:

Event	Current Date	Proposed New Date
Expert Disclosure Deadline	February 6, 2023	April 3, 2023
Expert Rebuttal Reports	March 6, 2023	May 1, 2023
Discovery Cut-Off	April 5, 2023	May 31, 2023
Dispositive Motion Cut-Off	May 8, 2023	July 3, 2023
Filing of Pre-Trial Order	July 26, 2023	September 25, 2023

2. The parties agree that the currently scheduled deadline for mediation of March 13, 2023 shall remain unchanged and is not impacted by this stipulation and proposed order.

Dated: February 14, 2023

Respectfully submitted,

/s/ Sheila O'Callaghan

Sheila E. O'Callaghan

John K. Han

David Zhou

Ruth L. Hawley

Attorneys for Plaintiff

SECURITIES AND EXCHANGE COMMISSION

1 Dated: February 14, 2023

Respectfully submitted,

2  
3 By /s/ Manuel A. Abascal  
Manuel A. Abascal  
4 LATHAM & WATKINS LLP  
HUTCHISON & STEFFEN  
5 Mark A. Hutchison  
Attorneys for Defendants  
6 Michael V. Shustek and Vestin Mortgage LLC  
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14 **ORDER**

15 IT IS ORDERED that ECF No. 44 is GRANTED in part and DENIED in part without prejudice. ECF No. 44 is  
16 granted to the extent the Court will stay discovery until March 28, 2023. ECF No. 44 is denied to the extent  
17 the Court will not extend discovery deadlines at this time, as the initial expert disclosure deadline ran and  
18 the parties have not shown excusable neglect for the late filing of this stipulation. See LR IA 6-1(a). The  
parties may refile their stipulation to extend discovery deadlines if they can show excusable neglect for the  
late filing.

19 Because discovery is stayed, ECF No. 21 is DENIED without prejudice to Plaintiff refiling this motion if the  
20 parties do not settle this case.

21 IT IS SO ORDERED

DATED: 4:42 pm, February 15, 2023

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23 BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE  
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**CERTIFICATE OF SERVICE**

I, Tony Stearns, am over 18 years of age and not a party to this action. On February 14, 2023 I served a copy of the **JOINT STIPULATION TO STAY DISCOVERY AND ORDER MODIFYING CASE SCHEDULE AND [PROPOSED] ORDER** via electronic filing on ECF on the following persons:

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Attorneys for Defendant  
Michael V. Shustek and Vestin Mortgage

I declare under penalty of perjury that the statements made above are true and correct.  
Executed in Alameda, California on February 14, 2023.

/s/ Tony Stearns  
Paralegal Specialist